

Prob12B
D/NV Form
Rev. June 2014

United States District Court
for
the District of Nevada

**REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER**
Probation Form 49 (Waiver of Hearing) is Attached
April 24, 2023

Name of Offender: **Jonathan Cortez-Ramirez**

Case Number: **2:22CR00201**

Name of Sentencing Judicial Officer: **Honorable Robert A. Junell**

Date of Original Sentence: **February 14, 2017**

Original Offense: **Conspiracy to Possess with Intent to Distribute and Distribute 50 Grams or More of Actual Methamphetamine and/or 500 Grams or More of Mixture and Substance Containing Methamphetamine**

Original Sentence: **78 Months prison, followed by 60 Months TSR.**

Date Supervision Commenced: **July 22, 2022**

Date Jurisdiction Transferred to District of Nevada: **September 22, 2022**

Name of Assigned Judicial Officer: **Honorable Gloria M. Navarro**

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

1. **Search and Seizure** – You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

RE: Jonathan Cortez-Ramirez

Prob12B
D/NV Form
Rev. June 2014

2. **Residential Reentry Center** – You must reside in a residential reentry center for a term of up to 90 days. You must follow the rules and regulations of the center.

CAUSE

By way of case history, on February 14, 2017, Jonathan Cortez- Ramirez was sentenced by Senior United States District Judge Robert A. Junell, United States District Judge for the Western District of Texas to 78 months imprisonment with five years of supervised release to follow for committing the offense of, Conspiracy to Possess with Intent to Distribute and Distribute 50 Grams or More of Actual Methamphetamine and/or 500 Grams or More of a Mixture and Substance Containing Methamphetamine. Supervision commenced on July 22, 2022, in the District of Nevada.

On September 9, 2022, the sentencing district was notified that Cortez-Ramirez tested positive for methamphetamine on August 13 and 15, 2022. In response, drug testing was increased, and he was referred to substance abuse treatment. Cortez-Ramirez completed substance abuse treatment on December 15, 2022.

On January 5, 2023, Cortez-Ramirez tested positive for methamphetamine. Although Cortez-Ramirez denied using methamphetamine the national contracted laboratory confirmed the results. Cortez-Ramirez was warned that further drug use will result in notification to the Court with recommendation for punitive action. The undersigned officer continued to monitor Cortez-Ramirez with increased drug testing and mandated participation in treatment.

On January 31, 2023, Your Honor was notified of the above-noted violation conduct, with recommendation for no adverse action. Your Honor concurred with the recommendation on February 1, 2023.

On March 7, 2023, Cortez-Ramirez failed to report for a scheduled drug test. Cortez-Ramirez reported to the probation office the following day and tested positive for methamphetamine. Cortez-Ramirez denied use of methamphetamine, but the national contracted laboratory confirmed the test as positive for methamphetamine.

On March 27, 2023, Cortez-Ramirez again failed to report for a scheduled drug test. Cortez-Ramirez reported to the probation office the following day and tested positive for methamphetamine. Cortez-Ramirez denied use of methamphetamine, but the national contracted laboratory confirmed the test positive for methamphetamine.

On April 7, 2023, Cortez-Ramirez reported to the contracted testing facility and provided a diluted urine specimen for testing. Since the specimen as invalid Cortez-Ramirez was instructed to return later for another test, but he failed to return. It is noted diluted urine specimens are indicative of an individual attempting to avoid detection of drug use.

On April 15, 2023, Cortez-Ramirez tested positive once again for methamphetamine.

RE: Jonathan Cortez-Ramirez

Prob12B
D/NV Form
Rev. June 2014

On April 17, 2023, the following business day, Cortez-Ramirez was instructed to report to the probation office to discuss the additional positive drug tests. Cortez-Ramirez admitted to the undersigned officer that he had used methamphetamine as recently as Saturday, April 15, 2023; and admitted that all prior positives for methamphetamine was result of him using although he had denied at the time. Cortez-Ramirez explained that he had been having marital issues at home, left the home for a few days, and used methamphetamine the weekend of April 15, 2023. Cortez-Ramirez submitted to another drug test which yielded positive results for methamphetamine.

On April 24, 2023, Cortez-Ramirez was instructed to report to the probation office to discuss substance abuse treatment options to address his addiction. He submitted to a drug test which was positive for methamphetamine. Cortez-Ramirez admitted to using methamphetamine on Friday, April 21, 2023, stating the methamphetamine was provided to him at his place of employment by a co-worker. He expressed remorse and stated he quit his job to avoid further temptation from co-workers.

Clearly Cortez-Ramirez is spiraling in his addiction and has now lost his employment. As a corrective measure, Cortez-Ramirez was verbally admonished and counseled on the consequences of substance abuse. Additionally, as a sanction for the multiple violation conduct, on April 24, 2023, Cortez-Ramirez was presented with a waiver (Prob49) to modify his conditions to include Search and Seizure, and placement at the Residential Reentry Center for a period of 90 days.

These conditions will emphasize the importance of complying with conditions, in hope of dissuading further violation conduct, and allow the probation officer to satisfy the statutory requirements to keep informed as to the conduct and condition of the defendant, report the defendant's conduct and condition to the sentencing court, and aid the defendant and bring about improvements in his conduct and condition. Additionally, in conjunction with the recommended modifications, Cortez-Ramirez will be referred to intensive outpatient treatment to address his methamphetamine addiction. Intensive outpatient treatment consists of three, three-hour groups per week and one individual session per month. Cortez-Ramirez agreed to the modification as witnessed by his signature on the attached Prob 49.

Pursuant to 18 U.S.C. § 3583(g)(4) revocation is mandatory if one tests positive for controlled substance more than three (3) times over the course of one year. As noted, Cortez-Ramirez has tested positive seven (7) times since August 2022, with five (5) positive drug tests within the last two months, thus triggering mandatory revocation. However, it is respectfully recommended that Cortez-Ramirez be allowed the opportunity to participate in intensive outpatient treatment while residing at the Residential Reentry Center (RRC). It is with hope the structure of the RRC and intensive treatment will be the catalyst to help him achieve abstinence.

If Your Honor is desirous of an alternative course of action the undersigned will be available at the Court's convenience.

RE: Jonathan Cortez-Ramirez

Prob12B
D/NV Form
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Respectfully submitted,



Digitally signed by
Javier Muruato-Cortez
Date: 2023.04.25
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Javier Muruato
U.S. Probation Officer

Approved:

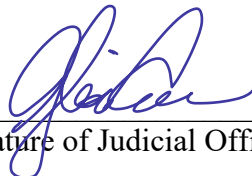


Digitally signed by Todd
Fredlund
Date: 2023.04.24
18:05:39 -07'00'

Todd J. Fredlund
Supervisory United States Probation Officer

THE COURT ORDERS

- ☐ No Action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above
- ☐ Other (please include Judicial Officer instructions below):



Signature of Judicial Officer

April 25, 2023

Date

PROB 49
(3/89)

UNITED STATES DISTRICT COURT

District of Nevada

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

1. **Search and Seizure** – You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

2. **Residential Reentry Center** – You must reside in a residential reentry center for a term of up to 90 days. You must follow the rules and regulations of the center.

Witness


U.S. Probation Officer

Signed


Probationer or Supervised Releasee

04-24-2023

Date